

Application Serial No. 09/901,013  
Amendment dated December 8, 2003 (Monday)  
Reply to Office action of June 6, 2003

#### REMARKS

Claims 80 through 83 are pending in this application. Claims 80 through 83 are amended herein. Support for the amendments to the claims may be found in the claims as filed originally, as well as the specification at page 29, lines 8 through 18.

Reconsideration of this application in view of the foregoing amendments and the following remarks is respectfully requested.

#### Objections to the Specification:

The Specification was objected to for listing an out-of-date status for the parent application. The status of the parent application has been updated. Withdrawal of the objection is earnestly solicited.

#### Claim Rejections - 35 U.S.C. § 112:

Claims 80 through 83 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The attached Fig. 7 has been corrected to comport with the specification and claims as originally filed. In particular, a robot 100 is now shown schematically in Fig. 7. Support for a robot in Fig. 7 may be found in the specification as originally filed at page 29, lines 11, 13, 15, and 17. In particular, a robotic system, and moving fixed tissue robotically, implies the presence of a robot to move the fixed tissue.

It is submitted that those skilled in the art would recognize from the description of the robotic system at page 29, lines 8 through 18 of the specification as originally filed the particular components that might comprise robot 100. Withdrawal of the rejection is earnestly solicited.

Claims 80 through 83 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 80 through 83 have been amended to make them more definite. In particular, claim 80 has been amended to make clear that a robotic system may

Application Serial No. 09/901,013  
Amendment dated December 8, 2003 (Monday)  
Reply to Office action of June 6, 2003

include a robot for moving a sample or tissue as well as an ultrasound transducer. Furthermore, claims 80 through 83 are no longer in means plus function form. The recitation of claims 80 through 83 is submitted to be supported by the claims themselves and by the specification as originally filed at page 29, lines 8 through 18. Withdrawal of the rejection is earnestly solicited.

Claim Rejections - 35 U.S.C. § 102:

Claims 80 through 83 were rejected under 35 U.S.C. § 102(b) as anticipated by Roginski, US 4,927,545. The rejection is traversed.

Claim 80 recites, in pertinent part:

"a sample or tissue; and  
an ultrasound transducer."

Roginski neither teaches, discloses, nor suggests a sample or tissue or an ultrasound transducer, as observed graciously in the Office action. Claim 80 is submitted to be allowable. Withdrawal of the rejection of claim 80 is earnestly solicited.

Claims 81, 82, and 83 depend from claim 80 and add further distinguishing elements. In particular, claim 81 recites:

"moves one or more sensors from said first reaction chamber to said second reaction chamber."

Roginski neither teaches, discloses, nor suggests moving one or more sensors from said first reaction chamber to said second reaction chamber, as recited in claim 81.

Claim 83 recites:

"robot is controlled by a central processing unit which processes information from said one or more sensors."

Since Roginski neither teaches, discloses, nor suggests moving one or more sensors from said first reaction chamber to said second reaction chamber, as discussed above with respect to claim 81, he can't show a robot controlled by a CPU processing information from such sensors, as recited in claim 83. Claims 81, 82, and 83 are thus

Application Serial No. 09/901,013  
Amendment dated December 8, 2003 (Monday)  
Reply to Office action of June 6, 2003

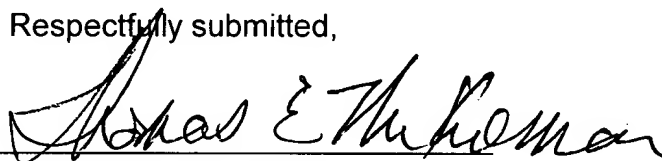
also submitted to be allowable. Withdrawal of the rejection of claims 81, 82, and 83 is earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all claims 80 through 83 are allowable over the cited references. Allowance of all claims 80 through 83 and of this entire application are therefore respectfully requested.

Respectfully submitted,

By



Thomas E. McKiernan

Reg. No. 37,889

Attorney for Applicants

ROTHWELL, FIGG, ERNST & MANBECK

Suite 800, 1425 K Street, N.W.

Washington, D.C. 20005

Telephone: (202)783-6040

Attachments

117a.amd